

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
**HOUSE BILL NOS. 48, 69, 495 & 589**  
**99TH GENERAL ASSEMBLY**

0166H.05C

D. ADAM CRUMBLISS, Chief Clerk

---

---

**AN ACT**

To repeal sections 94.900, 94.902, 321.242, and 321.246, RSMo, and to enact in lieu thereof five new sections relating to local sales tax.

---

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 94.900, 94.902, 321.242, and 321.246, RSMo, are repealed and five  
2 new sections enacted in lieu thereof, to be known as sections 94.900, 94.902, 94.903, 321.242,  
3 and 321.246, to read as follows:

94.900. 1. (1) The governing body of the following cities may impose a tax as provided  
2 in this section:

3 (a) Any city of the third classification with more than ten thousand eight hundred but less  
4 than ten thousand nine hundred inhabitants located at least partly within a county of the first  
5 classification with more than one hundred eighty-four thousand but less than one hundred eighty-  
6 eight thousand inhabitants;

7 (b) **Any city of the fourth classification with more than four thousand five hundred**  
8 **but fewer than five thousand inhabitants;**

9 (c) Any city of the fourth classification with more than eight thousand nine hundred but  
10 fewer than nine thousand inhabitants;

11 ~~[(c) Any city of the fourth classification with more than two thousand six hundred but~~  
12 ~~fewer than two thousand seven hundred inhabitants and located in any county of the first~~  
13 ~~classification with more than eighty-two thousand but fewer than eighty-two thousand one~~  
14 ~~hundred inhabitants;]~~

15 (d) Any home rule city with more than forty-eight thousand but fewer than forty-nine  
16 thousand inhabitants;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (e) Any home rule city with more than seventy-three thousand but fewer than seventy-  
18 five thousand inhabitants;

19 (f) **Any city of the fourth classification with more than thirteen thousand five**  
20 **hundred but fewer than sixteen thousand inhabitants; or**

21 (g) **Any city of the fourth classification with more than seven thousand but fewer**  
22 **than eight thousand inhabitants.**

23 (2) The governing body of any city listed in subdivision (1) of this subsection is hereby  
24 authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one  
25 percent on all retail sales made in such city which are subject to taxation under the provisions  
26 of sections 144.010 to 144.525 for the purpose of improving the public safety for such city,  
27 including but not limited to expenditures on equipment, city employee salaries and benefits, and  
28 facilities for police, fire and emergency medical providers. The tax authorized by this section  
29 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or  
30 order imposing a sales tax pursuant to the provisions of this section shall be effective unless the  
31 governing body of the city submits to the voters of the city, at a county or state general, primary  
32 or special election, a proposal to authorize the governing body of the city to impose a tax.

33 2. **(1) Except as otherwise provided in subdivision (2) of this subsection,** if the  
34 proposal submitted involves only authorization to impose the tax authorized by this section, the  
35 ballot of submission shall contain, but need not be limited to, the following language:

36 Shall the city of ..... (city's name) impose a citywide sales tax of  
37 ..... (insert amount) for the purpose of improving the public safety of the city?

38 ☐ YES ☐ NO

39

40 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed  
41 to the question, place an "X" in the box opposite "NO".

42

43 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
44 of the proposal submitted pursuant to this subsection, then the ordinance or order and any  
45 amendments thereto shall be in effect on the first day of the second calendar quarter after the  
46 director of revenue receives notification of adoption of the local sales tax. If a proposal receives  
47 less than the required majority, then the governing body of the city shall have no power to  
48 impose the sales tax herein authorized unless and until the governing body of the city shall again  
49 have submitted another proposal to authorize the governing body of the city to impose the sales  
50 tax authorized by this section and such proposal is approved by the required majority of the  
51 qualified voters voting thereon. However, in no event shall a proposal pursuant to this section

52 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant  
53 to this section.

54 **(2) For any city described in paragraph (b) of subdivision (1) of subsection 1 of this**  
55 **section, if the proposal submitted involves only authorization to impose the tax authorized**  
56 **by this section, the ballot of submission shall contain, but need not be limited to, the**  
57 **following language:**

58 **Shall the city of ..... (city's name) impose a citywide sales tax**  
59 **of ..... (insert amount) for a period of ten years from the date on which the tax is first**  
60 **imposed for the purpose of improving the public safety of the city?**

61 ☐ YES ☐ NO

62

63 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are**  
64 **opposed to the question, place an "X" in the box opposite "NO".**

65

66 **If a majority of the votes cast on the proposal by the qualified voters voting thereon are in**  
67 **favor of the proposal submitted pursuant to this subdivision, then the ordinance or order**  
68 **and any amendments thereto shall be in effect on the first day of the second calendar**  
69 **quarter after the director of revenue receives notification of adoption of the local sales tax.**  
70 **If a proposal receives less than the required majority, then the governing body of the city**  
71 **shall have no power to impose the sales tax herein authorized and the authorization is**  
72 **repealed.**

73 3. All revenue received by a city from the tax authorized under the provisions of this  
74 section shall be deposited in a special trust fund and shall be used solely for improving the public  
75 safety for such city for so long as the tax shall remain in effect.

76 4. Once the tax authorized by this section is abolished or is terminated by any means, all  
77 funds remaining in the special trust fund shall be used solely for improving the public safety for  
78 the city. Any funds in such special trust fund which are not needed for current expenditures may  
79 be invested by the governing body in accordance with applicable laws relating to the investment  
80 of other city funds.

81 5. All sales taxes collected by the director of the department of revenue under this  
82 section on behalf of any city, less one percent for cost of collection which shall be deposited in  
83 the state's general revenue fund after payment of premiums for surety bonds as provided in  
84 section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known  
85 as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be  
86 deemed to be state funds and shall not be commingled with any funds of the state. The  
87 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be

88 transferred and placed to the credit of the general revenue fund. The director of the department  
89 of revenue shall keep accurate records of the amount of money in the trust and which was  
90 collected in each city imposing a sales tax pursuant to this section, and the records shall be open  
91 to the inspection of officers of the city and the public. Not later than the tenth day of each month  
92 the director of the department of revenue shall distribute all moneys deposited in the trust fund  
93 during the preceding month to the city which levied the tax; such funds shall be deposited with  
94 the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall  
95 be by an appropriation act to be enacted by the governing body of each such city. Expenditures  
96 may be made from the fund for any functions authorized in the ordinance or order adopted by  
97 the governing body submitting the tax to the voters.

98         6. The director of the department of revenue may make refunds from the amounts in the  
99 trust fund and credited to any city for erroneous payments and overpayments made, and may  
100 redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes  
101 the tax, the city shall notify the director of the department of revenue of the action at least ninety  
102 days prior to the effective date of the repeal and the director of the department of revenue may  
103 order retention in the trust fund, for a period of one year, of two percent of the amount collected  
104 after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem  
105 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
106 after the effective date of abolition of the tax in such city, the director of the department of  
107 revenue shall remit the balance in the account to the city and close the account of that city. The  
108 director of the department of revenue shall notify each city of each instance of any amount  
109 refunded or any check redeemed from receipts due the city.

110         7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
111 apply to the tax imposed pursuant to this section.

94.902. 1. The governing bodies of the following cities may impose a tax as provided  
2 in this section:

3         (1) Any city of the third classification with more than twenty-six thousand three hundred  
4 but less than twenty-six thousand seven hundred inhabitants;

5         (2) Any city of the fourth classification with more than thirty thousand three hundred but  
6 fewer than thirty thousand seven hundred inhabitants;

7         (3) Any city of the fourth classification with more than twenty-four thousand eight  
8 hundred but fewer than twenty-five thousand inhabitants;

9         (4) Any special charter city with more than twenty-nine thousand but fewer than thirty-  
10 two thousand inhabitants; [œ]

11 (5) Any city of the third classification with more than four thousand but fewer than four  
12 thousand five hundred inhabitants and located in any county of the first classification with more  
13 than two hundred thousand but fewer than two hundred sixty thousand inhabitants; or

14 **(6) Any city of the fourth classification with more than nine thousand five hundred**  
15 **but fewer than ten thousand eight hundred inhabitants.**

16 2. The governing body of any city listed in subsection 1 of this section may impose, by  
17 order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation  
18 under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-  
19 half of one percent, and shall be imposed solely for the purpose of improving the public safety  
20 for such city, including but not limited to expenditures on equipment, city employee salaries and  
21 benefits, and facilities for police, fire and emergency medical providers. The tax authorized in  
22 this section shall be in addition to all other sales taxes imposed by law, and shall be stated  
23 separately from all other charges and taxes. The order or ordinance imposing a sales tax under  
24 this section shall not become effective unless the governing body of the city submits to the voters  
25 residing within the city, at a county or state general, primary, or special election, a proposal to  
26 authorize the governing body of the city to impose a tax under this section.

27 3. **(1) Except as otherwise provided in subdivision (2) of this subsection,** the ballot  
28 of submission for the tax authorized in this section shall be in substantially the following form:

29 Shall the city of ..... (city's name) impose a citywide sales tax at  
30 a rate of ..... (insert rate of percent) percent for the purpose of improving the public safety of  
31 the city?

32 ☐ YES ☐ NO

33  
34 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed  
35 to the question, place an "X" in the box opposite "NO".

36  
37 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
38 of the proposal, then the ordinance or order and any amendments to the order or ordinance shall  
39 become effective on the first day of the second calendar quarter after the director of revenue  
40 receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal  
41 by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become  
42 effective unless the proposal is resubmitted under this section to the qualified voters and such  
43 proposal is approved by a majority of the qualified voters voting on the proposal. However, in  
44 no event shall a proposal under this section be submitted to the voters sooner than twelve months  
45 from the date of the last proposal under this section.

(2) For any city described under subdivision (6) of subsection 1 of this section, the ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of ..... (city's name) impose a citywide sales tax at a rate of ..... (insert rate of percent) percent until December 31, 2038, for the purpose of improving the public safety of the city?

☐ YES      ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

4. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by

82 an appropriation act to be enacted by the governing body of each such city. Expenditures may  
83 be made from the fund for any functions authorized in the ordinance or order adopted by the  
84 governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the  
85 special trust fund shall continue to be used solely for the designated purposes. Any funds in the  
86 special trust fund which are not needed for current expenditures shall be invested in the same  
87 manner as other funds are invested. Any interest and moneys earned on such investments shall  
88 be credited to the fund.

89 5. The director of the department of revenue may authorize the state treasurer to make  
90 refunds from the amounts in the trust fund and credited to any city for erroneous payments and  
91 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of  
92 such cities. If any city abolishes the tax, the city shall notify the director of the action at least  
93 ninety days before the effective date of the repeal, and the director may order retention in the  
94 trust fund, for a period of one year, of two percent of the amount collected after receipt of such  
95 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and  
96 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date  
97 of abolition of the tax in such city, the director shall remit the balance in the account to the city  
98 and close the account of that city. The director shall notify each city of each instance of any  
99 amount refunded or any check redeemed from receipts due the city.

100 6. The governing body of any city that has adopted the sales tax authorized in this section  
101 may submit the question of repeal of the tax to the voters on any date available for elections for  
102 the city. The ballot of submission shall be in substantially the following form:

103 Shall ..... (insert the name of the city) repeal the sales tax  
104 imposed at a rate of ..... (insert rate of percent) percent for the purpose of improving the public  
105 safety of the city?

106 ☐ YES ☐ NO

107

108 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become  
109 effective on December thirty-first of the calendar year in which such repeal was approved. If a  
110 majority of the votes cast on the question by the qualified voters voting thereon are opposed to  
111 the repeal, then the sales tax authorized in this section shall remain effective until the question  
112 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority  
113 of the qualified voters voting on the question.

114 7. Whenever the governing body of any city that has adopted the sales tax authorized in  
115 this section receives a petition, signed by ten percent of the registered voters of the city voting  
116 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this  
117 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If

a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

**8. Any sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire. No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax pursuant to this section after January 1, 2039. Subsection 7 of this section shall not apply to a sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section.**

**9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.**

**94.903. 1. The governing body of any city of the fourth classification with more than nine thousand five hundred but fewer than ten thousand eight hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city that are subject to taxation under chapter 144. The tax authorized under this section may be imposed in an amount of up to one-half of one percent and shall be imposed solely for the purpose of improving the public safety for such city including, but not limited to, expenditures on equipment, city public safety employee salaries and benefits, and facilities for police, fire, and emergency medical providers. The tax authorized under this section shall be in addition to all other sales taxes imposed by law and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.**

**2. The ballot language for the tax authorized under this section shall be in substantially the following form:**

**Shall the city of ..... (insert name of city) impose a citywide sales tax at a rate of ..... (insert rate) percent for the purpose of improving the public safety of the city?**

☐ YES

☐ NO

**If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the**



23 director of revenue receives notice of the adoption of the sales tax. If a majority of the  
24 votes cast on the proposal by the qualified voters voting thereon are opposed to the  
25 proposal, then the tax shall not become effective unless the proposal is resubmitted under  
26 this section to the qualified voters and such proposal is approved by a majority of the  
27 qualified voters voting on the proposal. However, in no event shall a proposal under this  
28 section be resubmitted to the voters sooner than twelve months from the date of the first  
29 proposal under this section. If the resubmitted proposal receives less than the required  
30 majority, then the governing body of the city shall have no power to impose the sales tax  
31 herein authorized and the authorization is repealed.

32         3. Any sales tax imposed under this section shall be administered, collected,  
33 enforced, and operated as required under section 32.087. All sales taxes collected by the  
34 director of revenue under this section on behalf of any city, less one percent for cost of  
35 collection, which shall be deposited in the state's general revenue fund after payment of  
36 premiums for surety bonds, as provided in section 32.087, shall be deposited in a special  
37 trust fund, which is hereby created in the state treasury, to be known as the "City Public  
38 Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be  
39 state funds and shall not be commingled with any funds of the state. The provisions of  
40 section 33.080 to the contrary notwithstanding, moneys in this fund shall not be transferred  
41 and placed to the credit of the general revenue fund. The director shall keep accurate  
42 records of the amount of moneys in the trust fund and the amount that was collected in  
43 each city imposing a sales tax under this section, and the records shall be open to the  
44 inspection of officers of the city and the public. No later than the tenth day of each month,  
45 the director shall distribute all moneys deposited in the trust fund during the preceding  
46 month to the city which levied the tax. Such funds shall be deposited with the city  
47 treasurer of each such city, and all expenditures of funds arising from the trust fund shall  
48 be by an appropriation act to be enacted by the governing body of each such city.  
49 Expenditures may be made from the fund for any functions authorized in the ordinance  
50 or order adopted by the governing body submitting the tax to the voters. If the tax is  
51 repealed, all funds remaining in the special trust fund shall continue to be used solely for  
52 the designated purposes. Any funds in the special trust fund that are not needed for  
53 current expenditures shall be invested in the same manner as other funds are invested.  
54 Any interest and moneys earned on such investments shall be credited to the fund.

55         4. The director of revenue may make refunds from the amounts in the trust fund  
56 and credited to any city for erroneous payments and overpayments made and may redeem  
57 dishonored checks and drafts deposited to the credit of such cities. If any city repeals the  
58 tax, the city shall notify the director of the action at least ninety days before the effective

59 date of the repeal, and the director may order retention in the trust fund, for a period of  
60 one year, of two percent of the amount collected after receipt of such notice to cover  
61 possible refunds or overpayment of the tax and to redeem dishonored checks and drafts  
62 deposited to the credit of such accounts. After one year has elapsed after the effective date  
63 of abolition of the tax in such city, the director shall remit the balance in the account to the  
64 city and close the account of that city. The director shall notify each city of each instance  
65 of any amount refunded or any check redeemed from receipts due to the city.

66 5. The governing body of any city that has adopted the sales tax authorized under  
67 this section may submit the question of repeal of the tax to the voters on any date available  
68 for elections for the city. The ballot language shall be in substantially the following form:

69 Shall the city of ..... (insert name of city) repeal the sales tax imposed at a rate  
70 of ..... (insert rate) percent for the purpose of improving the public safety of the city?

71 ☐ YES ☐ NO

72

73 If a majority of the votes cast on the question by the qualified voters voting thereon are in  
74 favor of repeal, that repeal shall become effective on December thirty-first of the calendar  
75 year in which such repeal was approved. If a majority of the votes cast on the question by  
76 the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized  
77 under this section shall remain effective until the question is resubmitted and approved  
78 under this section.

79 6. The governing body of any city that has adopted the sales tax authorized under  
80 this section shall submit the question of the continuation of the tax to the voters fifteen  
81 years from the date of its inception and every ten years thereafter on a date available for  
82 elections for the city. The ballot language shall be in substantially the following form:

83 Shall ..... (insert name of city) continue collecting a sales tax imposed at a rate  
84 of ..... (insert rate) percent for the purpose of providing revenues for the operation of  
85 public safety departments of the city?

86 ☐ YES ☐ NO

87

88 If a majority of the votes cast on the question by the qualified voters voting thereon are  
89 opposed to continuation, the repeal shall become effective on December thirty-first of the  
90 calendar year in which such continuation failed to be approved. If a majority of the votes  
91 cast on the question by the qualified voters voting thereon are in favor of continuation,  
92 then the sales tax authorized under this section shall remain effective until the question is  
93 resubmitted under this section to the qualified voters and continuation fails to be approved  
94 by a majority of the qualified voters voting on the question.

95           **7. Except as modified under this section, all provisions of sections 32.085 and 32.087**  
96 **shall apply to the tax imposed under this section.**

321.242. 1. The governing body of any fire protection district which operates within and  
2 has boundaries identical to a city with a population of at least thirty thousand but not more than  
3 thirty-five thousand inhabitants which is located in a county of the first classification, excluding  
4 a county of the first classification having a population in excess of nine hundred thousand, or the  
5 governing body of any municipality having a municipal fire department may impose a sales tax  
6 in an amount of up to one-fourth of one percent on all retail sales made in such fire protection  
7 district or municipality which are subject to taxation pursuant to the provisions of sections  
8 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other  
9 sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this  
10 section shall be effective unless the governing body of the fire protection district or municipality  
11 submits to the voters of such fire protection district or municipality, at a county or state general,  
12 primary or special election, a proposal to authorize the governing body of the fire protection  
13 district or municipality to impose a tax.

14           2. The ballot of submission shall contain, but need not be limited to, the following  
15 language:

16           Shall ..... (insert name of district or municipality) impose a sales tax of .....  
17 (insert rate of tax) for the purpose of providing revenues for the operation of the ..... (insert  
18 fire protection district or municipal fire department)?

19           ☐ YES                      ☐ NO

20

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
22 of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of  
23 the votes cast by the qualified voters voting are opposed to the proposal, then the governing body  
24 of the fire protection district or municipality shall not impose the sales tax authorized in this  
25 section unless and until the governing body of such fire protection district or municipality  
26 resubmits a proposal to authorize the governing body of the fire protection district or  
27 municipality to impose the sales tax authorized by this section and such proposal is approved by  
28 a majority of the qualified voters voting thereon.

29           3. All revenue received by a fire protection district or municipality from the tax  
30 authorized pursuant to the provisions of this section shall be deposited in a special trust fund and  
31 shall be used solely for the operation of the fire protection district or the municipal fire  
32 department.

33           4. All sales taxes collected by the director of revenue pursuant to this section **or section**  
34 **321.246** on behalf of any fire protection district or municipality, less one percent for cost of

35 collection which shall be deposited in the state's general revenue fund after payment of premiums  
36 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which  
37 is hereby created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in  
38 the fire protection district sales tax trust fund created prior to August 28, 1999, shall be  
39 transferred to the fire protection sales tax trust fund. The moneys in the fire protection sales tax  
40 trust fund shall not be deemed to be state funds and shall not be commingled with any funds of  
41 the state. The director of revenue shall keep accurate records of the amount of money in the trust  
42 fund and of the amounts which were collected in each fire protection district or municipality  
43 imposing a sales tax pursuant to this section, and the records shall be open to the inspection of  
44 officers of the fire protection district or municipality and the public. Not later than the tenth day  
45 of each month, the director of revenue shall distribute all moneys deposited in the trust fund  
46 during the preceding month to the fire protection district or municipality which levied the tax.  
47 Such funds shall be deposited with the treasurer of each such fire protection district or  
48 municipality, and all expenditures of funds arising from the fire protection sales tax trust fund  
49 shall be for the operation of the fire protection district or the municipal fire department and for  
50 no other purpose.

51         5. The director of revenue may ~~authorize the state treasurer to~~ make refunds from the  
52 amounts in the trust fund and credited to any fire protection district or municipality for erroneous  
53 payments and overpayments made and may redeem dishonored checks and drafts deposited to  
54 the credit of such fire protection districts or municipalities. If any fire protection district or  
55 municipality abolishes the tax, the fire protection district or municipality shall notify the director  
56 of revenue of the action at least ninety days prior to the effective date of the repeal and the  
57 director of revenue may order retention in the trust fund, for a period of one year, of two percent  
58 of the amount collected after receipt of such notice to cover possible refunds or overpayment of  
59 the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.  
60 After one year has elapsed after the effective date of abolition of the tax in such fire protection  
61 district or municipality, the director of revenue shall remit the balance in the account to the fire  
62 protection district or municipality and close the account of that fire protection district or  
63 municipality. The director of revenue shall notify each fire protection district or municipality  
64 of each instance of any amount refunded or any check redeemed from receipts due the fire  
65 protection district or municipality. In the event a tax within a fire protection district is approved  
66 pursuant to this section, and such fire protection district is dissolved, if the boundaries of the fire  
67 protection district are identical to that of the city, the tax shall continue and proceeds shall be  
68 distributed to the governing body of the city formerly containing the fire protection district and  
69 the proceeds of the tax shall be used for fire protection services within such city.

70           6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
71 apply to the tax imposed pursuant to this section.

321.246. 1. The governing body of any fire protection district which operates within  
2 both a county of the first classification with a charter form of government and with a population  
3 greater than six hundred thousand but less than nine hundred thousand and a county of the fourth  
4 classification with a population greater than thirty thousand but less than thirty-five thousand and  
5 that adjoins a county of the first classification with a charter form of government, ~~[or]~~ the  
6 governing body of any fire protection district which contains a city of the fourth classification  
7 having a population greater than two thousand four hundred when the city is located in a county  
8 of the first classification without a charter form of government having a population greater than  
9 one hundred fifty thousand and the county contains a portion of a city with a population greater  
10 than three hundred fifty thousand, **or the governing body of any fire protection district which**  
11 **operates in a county of the third classification with a population greater than fourteen**  
12 **thousand but less than fifteen thousand** may impose a sales tax in an amount of up to one-half  
13 of one percent on all retail sales made in such fire protection district which are subject to taxation  
14 pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section  
15 shall be in addition to any and all other sales taxes allowed by law, except that no sales tax  
16 imposed pursuant to the provisions of this section shall be effective unless the governing body  
17 of the fire protection district submits to the voters of the fire protection district, at a county or  
18 state general, primary or special election, a proposal to authorize the governing body of the fire  
19 protection district to impose a tax.

20           2. The ballot of submission shall contain, but need not be limited to, the following  
21 language:

22           Shall the fire protection district of ..... (district's name) impose a district-wide  
23 sales tax of ..... for the purpose of providing revenues for the operation of the fire protection  
24 district?

25           ☐ YES                      ☐ NO

26

27 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
28 of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of  
29 the votes cast by the qualified voters voting are opposed to the proposal, then the governing body  
30 of the fire protection district shall not impose the sales tax authorized in this section unless and  
31 until the governing body of the fire protection district resubmits a proposal to authorize the  
32 governing body of the fire protection district to impose the sales tax authorized by this section  
33 and such proposal is approved by a majority of the qualified voters voting thereon.

34           3. All revenue received by a fire protection district from the tax authorized pursuant to  
35 the provisions of this section shall be deposited in a special trust fund and shall be used solely  
36 for the operation of the fire protection district.

37           4. All sales taxes collected by the director of revenue pursuant to this section on behalf  
38 of any fire protection district, less one percent for cost of collection which shall be deposited in  
39 the state's general revenue fund after payment of premiums for surety bonds as provided in  
40 section 32.087, shall be deposited in the fire protection district sales tax trust fund established  
41 pursuant to section 321.242. The moneys in the fire protection district sales tax trust fund shall  
42 not be deemed to be state funds and shall not be commingled with any funds of the state. The  
43 director of revenue shall keep accurate records of the amount of money in the trust and which  
44 was collected in each fire protection district imposing a sales tax pursuant to this section, and the  
45 records shall be open to the inspection of officers of the fire protection district and the public.  
46 Not later than the tenth day of each month, the director of revenue shall distribute all moneys  
47 deposited in the trust fund during the preceding month to the fire protection district which levied  
48 the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and  
49 all expenditures of funds arising from the fire protection district sales tax trust fund shall be for  
50 the operation of the fire protection district and for no other purpose.

51           5. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the  
52 amounts in the trust fund and credited to any fire protection district for erroneous payments and  
53 overpayments made and may redeem dishonored checks and drafts deposited to the credit of such  
54 fire protection districts. If any fire protection district abolishes the tax, the fire protection district  
55 shall notify the director of revenue of the action at least ninety days prior to the effective date of  
56 the repeal and the director of revenue may order retention in the trust fund, for a period of one  
57 year, of two percent of the amount collected after receipt of such notice to cover possible refunds  
58 or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of  
59 such accounts. After one year has elapsed after the effective date of abolition of the tax in such  
60 fire protection district, the director of revenue shall remit the balance in the account to the fire  
61 protection district and close the account of that fire protection district. The director of revenue  
62 shall notify each fire protection district of each instance of any amount refunded or any check  
63 redeemed from receipts due the fire protection district. In the event a tax within a fire protection  
64 district is approved under this section, and such fire protection district is dissolved, the tax shall  
65 lapse on the date that the fire protection district is dissolved and the proceeds from the last  
66 collection of such tax shall be distributed to the governing bodies of the counties formerly  
67 containing the fire protection district and the proceeds of the tax shall be used for fire protection  
68 services within such counties.

69           6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
70   apply to the tax imposed pursuant to this section.

✓